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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,428	12/14/2001	Scott Swix	BS01042	6351

7590 10/26/2005  
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P O Box 3822  
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EXAMINER

JOHNSON, ALAN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/017,428	<b>Applicant(s)</b> SWIX ET AL.	
	<b>Examiner</b> Alan M. Johnson	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Jan 19, 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/14/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they refer to (126, Fig. 2) as decode not as a transcoder as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hylton (5,708,961)

Considering claim 1 and 12, Hylton '961 discloses a digital residential entertainment system comprising:

- (a) a media server (tuner array) (11, fig. 7) receiving and demodulating a plurality of transport layers, tuning to a specific transport layer identified by a decoder and sending the identified transport layer over a bus (Fig. 7);
- (b) a network input/output (101, Fig. 4 and Fig. 5) module retrieving the identified transport layer from the bus
- (c) a decryption module (207, Fig. 5) decrypting the identified transport layer

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(d) a demultiplexer (127, Fig. 4) demultiplexing the identified transport layer

(e) a decoder(129,131, Fig. 4) decoding the identified transport layer.

As for claim 2 and 14, Hylton '961 discloses the digital residential entertainment system of claim 1 and 12 further comprising a digital-to-analog converter (134, Fig. 4) converting the identified transport layer to analog signals.

Regarding claims 3 and 15, Hylton '961 discloses the digital residential entertainment system of claim 1 and 12 further comprising a conditional access system (CAS) (207,211, Fig. 5 and column 19 lines 1-10) restricting access to media services offered via the transport layer to authorized customers.

Regarding claim 4, Hylton '961 discloses the digital residential entertainment system of claim 3 wherein the CAS comprises a card reader and an access card (column 19 lines 1-10)

As for claim 11, Hylton '961 discloses a residential entrainment system having a microprocessor (110, and associated elements) and having instructions stored in (115, 121, and 122) for executing the

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functions of the network input module, the decryption module, the demultiplexer and the decoder.

As for claim 13, Hylton '961 discloses the DRES of claim 12 wherein the decoder (129,131, Fig. 4) is part of a thin client set top box

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton (5,709,961) in view of Rowe (US2005/0060759 A1)

Considering claim 5, Hylton '961 teaches the invention of claim 3.

However, Hylton '961 fails to specifically teach that the digital residential entertainment system of claim 3 wherein the CAS comprises a secured network CAS.

In an analogous art, Rowe discloses a digital residential entertainment system wherein the CAS comprises a secured network CAS (Paragraph 121 lines 1-10).

It would have been obvious to one of ordinary skill in the art to modify Hylton's system to include a secured network CAS, as taught by Rowe, for the benefit of ensuring secure data transmission and retrieval.

Considering claim 6, Rowe teaches that the digital residential entertainment system of claim 5.

Rowe also teaches the digital residential entertainment system wherein the secured network CAS comprises a secured Internet Protocol (IP) connection to an authentication service provider (Paragraph 121 lines 1-10).

It would have been obvious to one of ordinary skill in the art to modify Hylton's '961 system to include a secured network CAS comprising a secured Internet Protocol (IP) connection to an authentication service provider, as taught by Rowe, for the benefit of ensuring confidentiality and authenticity of data communications across a public network.

Considering claim 7 Rowe teaches the digital residential entertainment system of claim 6.

Row also teaches the digital residential entertainment system wherein the secured Internet Protocol (IP) connection is an IPsec connection (Paragraph 121 lines 1-10).

It would have been obvious to one of ordinary skill in the art to modify Hylton's system to include the secured Internet Protocol (IP)

connection, which is an IPsec connection, as taught by Rowe, for the advantage of providing security at the network or packet processing layer of network communication.

Considering claim 8, Rowe additionally teaches the digital residential entertainment system of claim 5

Rowe also teaches the residential entertainment system wherein the secured network CAS comprises a broadband connection to an authentication service provider (Paragraph 121 lines 1-10)

It would have been obvious to one of ordinary skill in the art to modify Hylton's system to include the secured network CAS comprising a broadband connection to an authentication service provider, as taught by Rowe, for the benefit of ensuring confidentiality and authenticity of data communications across a public network.

Considering claim 16, Hylton '961 teaches the invention of claim 1.

However, Hylton '961 fails to specifically teach that the DRES of claim 12 wherein the identified transport layer is an Ethernet transport layer.

In an analogous art, Rowe discloses a DRES wherein the identified transport layer is an Ethernet transport layer (Paragraph 100 lines 15-20 and paragraph 107 lines 7-12).



It would have been obvious to one of ordinary skill in the art to modify Hylton's system to include a Ethernet transport layer, as taught by Rowe, for the benefit of using the universal connection scheme which will allow Hylton's network to connect to a plurality of other networks as well as allowing a plurality of devices to be added to Hylton's network.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton (5,709,961) in view of Rowe (US2005/0060759 A1) and Hylton (5,793,413).

Considering claim 9, Hylton '961 and Rowe disclose the digital residential entertainment system of claim 8.

However, Hylton '961 and Rowe fail to specifically teach that the digital residential entertainment system of claim 8 wherein the broadband connection is a private virtual circuit (PVC) connection.

In an analogous art, Hylton '413 discloses a digital residential entertainment system wherein the broadband connection is a private virtual circuit (PVC) connection (column 15 lines 66 – column 16 line 3)

It would have been obvious to one of ordinary skill in the art to modify the combined system of Hylton '961 and Rowe to include a private virtual circuit (PVC) connection, as taught by Hylton '413, for the advantage of saving bandwidth associated with circuit establishment and tear down in situations where certain virtual circuits must exist all the time.

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6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton (5,709,961) in view of D'Luna (US2002/0106018 A1).

Considering claim 10, Hylton '961 discloses the digital residential entertainment system of claim 1

However, Hylton '961 fails to specifically teach that the digital residential entertainment system wherein the decrypting, demultiplexing, and decoding functions are integrated into a single chip.

In an analogous art, D'Luna discloses a digital residential entertainment system wherein the decrypting, demultiplexing and decoding functions are integrated into a single chip (paragraph 33, paragraph 39 lines 1-3, paragraph 40 lines 1-3, and paragraph 42 lines 1-7)

It would have been obvious to one of ordinary skill in the art to modify Hylton's system wherein the decrypting, demultiplexing and decoding functions are integrated into a single chip, as taught by D'Luna, for the advantage of making the inside of a set top box more compact.

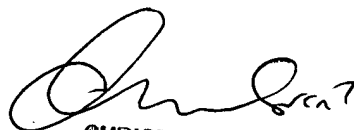
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan M. Johnson whose telephone number is (571)272-7916. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJ

  
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